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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,854	03/26/2004	Hidetoshi Kaminishi	042284	7585

38834 7590 10/12/2006

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EXAMINER
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ALEXANDER, REGINALD

ART UNIT	PAPER NUMBER
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1761

DATE MAILED: 10/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/809,854

Applicant(s)

KAMINISHI ET AL.

Examiner

Reginald L. Alexander

Art Unit

1761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-5 and 11 is/are allowed.
- 6) ☒ Claim(s) 6-10 and 12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 7 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tarozzi in view of Frankenstein and McGuffin et al.

There is disclosed in Tarozzi a folding coffee maker, comprising: a coffee maker body 14 having a shower head 23 for brewing coffee; a holder 28, 31 for holding a coffee server 32, the holder being foldable between a lower position for supporting the coffee server under the shower head and an upper (elevated) position to be fixed to a bottom of the coffee maker body.

Frankenstein discloses the use of plural sets of folding arms 56, 58, each set having plural arms linked revolvably, to support a folding holder 48 between an extended (folded) position and an unfolded position.

There is disclosed in McGuffin a folding coffee maker, comprising: a coffee maker body 20 equipped with an apparatus 46, 54 for brewing coffee; a folding holder 22 fixed to the body and capable of holding a coffee server 32 when in the folded position; and a lock mechanism 68, 70 fixed to the coffee maker body and in contact with a bottom of the holder for locking the holder to the coffee maker body.

It would have been obvious to one skilled in the art to substitute the hinge of Tarozzi with the folding arms disclosed in Frankenstein, in order to provide a support which could hold a greater amount of weight applied to the holder.

It would have been obvious to one skilled in the art to provide the device of Tarozzi with the locking mechanism disclosed in McGuffin, in order to ensure that the support retains its folded position.

Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art as applied to claims above, and further in view of Rabadi et al.

Rabadi discloses the use of a coffee maker supported by a galley within an aircraft, the galley providing a source of water and a sliding connection for the coffee maker body to allow a drawn position for using the device and a stowage position when not in use.

It would have been obvious to one skilled in the art to use the coffee maker of Tarozzi, as modified by Frankenstein and McGuffin, with the coffee maker support (galley) disclosed in Rabadi, in order to use the device as a mobile coffee maker.

#### ***Allowable Subject Matter***

Claims 1-5 and 11 are allowed.

#### ***Response to Arguments***

Applicant's arguments filed 01 September 2006 have been fully considered but they are not persuasive. Applicant argues that the prior art reference to Frankenstein is non-analogous art.

In response to Applicant's argument, it has been held that the determination that a reference is from a nonanalogous art is twofold. First, we decide if the reference is within the field of the inventor's endeavor. If it is not, we proceed to determine whether the reference is reasonably pertinent to the particular problem with which the inventor is involved. In this case, the problem is that of folding or pivoting means for a support element. Frankenstein suggest the use of folding arms to allow a support element to be folded from a first position to a second position. The hinge of Torozzi provide the same function as the folding arms of Frankenstein. A substitution of elements to allow support of heavier items would be obvious to one skilled in the art.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Art Unit: 1761

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reginald L. Alexander whose telephone number is 571-272-1395. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on 571-272-1398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

rla  
29 September 2006

  
Reginald L. Alexander  
Primary Examiner  
Art Unit 1761